



CHAPTER xlii

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [28th July 1950.]

WHEREAS the London County Council (hereinafter referred to as "the Council") are required by various enactments to receive into their main drainage system the drainage of certain areas outside the administrative county of London (hereinafter referred to as "the county") and in consideration of the reception of such drainage by the Council certain authorities are required to make contributions towards the expenses of the said system:

And whereas the method of assessment and collection of such contributions is inconvenient and it is expedient that provision should be made for such contributions to be assessed and collected on the like basis and in the like manner as amounts payable under precepts issued by the Council to rating authorities within the county:

And whereas doubts have arisen as to whether byelaws made by the Council under the London Council (General Powers) Act 53 & 54th Vict. 1890 with respect to parks gardens and open spaces provided by the Council apply to public walks and pleasure grounds so provided and it is expedient that such doubts should be removed:

And whereas by the London County Council (Improvements) 57 & 58 Vict. Act 1894 it is enacted for the protection of the Society of Lincoln's Inn and of the owners lessees and occupiers of the houses in Lincoln's Inn Fields that no band or other music shall be permitted to play in the garden in Lincoln's Inn Fields before six o'clock in the evening on Mondays Tuesdays Wednesdays Thursdays and Fridays and before three o'clock in the afternoon on Saturdays and before one o'clock in the afternoon on Sundays:

And whereas it is expedient that provision should be made to enable the Council to provide lunch-time concerts in the said garden on weekdays during the months of May to September inclusive:

And whereas the time limited by certain enactments for the compulsory purchase of lands and the completion of certain works by the Council will shortly expire and it is expedient that the time so limited should be extended as by this Act provided:

And whereas by the Kensington Borough Council (Superannuation) Acts 1907 to 1937 provision is made for the establishment by the council of the royal borough of Kensington (hereinafter referred to as "the Kensington Council") of a superannuation fund for the benefit of the employees of that council and it is expedient that the said Acts should be amended as provided by this Act:

10 & 11 Geo. 6.
c. xlvi. And whereas it is expedient that further powers should be conferred upon the council of the city of Westminster (hereinafter referred to as "the Westminster Council") in connection with the supply of heat to certain premises in the said city authorised by Part V of the London County Council (General Powers) Act 1947:

24 & 25 Geo. 5.
c. xl. And whereas doubts have arisen as to the power of the Council to remit certain payments recoverable by the Council under the London County Council (General Powers) Act 1934 in respect of fires in chimneys and ducts and it is expedient that such doubts should be removed and that the power to recover such payments should be repealed:

5 & 6 Geo. 5.
c. ciii.
10 & 11 Geo. 5.
c. lxxxix. And whereas doubts have arisen as to whether the powers conferred on the Council and the common council of the city of London by the London County Council (General Powers) Act 1915 and the London County Council (General Powers) Act 1920 to make byelaws with respect to establishments for massage or special treatment include powers to make byelaws with respect to the fees or charges to be paid for treatment given at such establishments and it is expedient that such doubts should be removed:

2 & 3 Geo. 6.
c. 40. And whereas by section 194 of the London Government Act 1939 provision is made for the establishment by the Council of a fire insurance fund and it is expedient that provision should be made to enable the Council to defray out of that fund the premiums payable by the Council in respect of property insured in public insurance offices:

And whereas it is expedient that provision should be made to enable sewers vested in the Council to be transferred to metropolitan borough councils:

And whereas by an Order in Council made under the House of Commons (Redistribution of Seats) Act 1944 two new parliamentary constituencies have been substituted for the constituencies within the county known respectively as Battersea North and Battersea South and doubts have arisen as to whether the said order has modified the electoral divisions of the county for the purpose of the election of county councillors and it is expedient that such doubts should be removed:

And whereas it is expedient that metropolitan borough councils should be empowered to purchase compulsorily lands required for the purpose of any of their functions under the Public Libraries Acts 1892 to 1919:

And whereas it is expedient that the Kensington Council should be empowered to provide and maintain storage and stabling accommodation for use by street traders and other like persons displaced by reason of the exercise by the Kensington Council of their powers under the Housing Acts 1936 to 1949 or by the acquisition of lands under any other enactment:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas a plan showing the land in which easements or rights may be acquired compulsorily by the Westminster Council under the powers of this Act and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such land have been deposited with the clerk of the Council and are in this Act referred to respectively as the deposited plan and deposited book of reference:

And whereas in relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 151 of the London Government Act 1939 and the Kensington Council and the Westminster Council (as respects the provisions of the Bill relating exclusively to those councils) have complied with the requirements of sections 151 and 152 of the said Act of 1939 as amended by the London County Council (General Powers) Act 1948:

11 & 12 Geo. 6.
c. liii.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1950.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—External drainage contributions.

Part III.—Open spaces.

Part IV.—Extensions of time.

Part V.—Kensington Borough Council (Superannuation).

Part VI.—Powers for Westminster City Council.

Part VII.—Miscellaneous.

Interpretation.

3.—(1) In this Act except as otherwise expressly provided or unless the subject or context otherwise requires—

26 Geo. 5. &
1 Edw. 8. c. 50.

“the Act of 1936” means the Public Health (London) Act 1936;

“the Act of 1939” means the London Government Act 1939;

“borough” means a metropolitan borough and “the borough” means the metropolitan borough in relation to which the expression is used;

“borough council” means the council of a borough and “the borough council” means the council of the borough in relation to which the expression is used;

“the Council” means the London County Council;

“the county” means the administrative county of London;

“enactment” includes any order or scheme made under any Act of Parliament;

“the Kensington Council” means the council of the royal borough of Kensington;

“land” or “lands” includes any interest in land and any easement or right in to or over land;

“the Minister” means the Minister of Health;

“the Westminster Council” means the council of the city of Westminster.

(2) Except as otherwise expressly provided in this Act or unless the subject or context otherwise requires terms to which meanings are assigned by any enactment incorporated with or

applied by this Act or which have in any such enactment special meanings have in and for the purposes of this Act the same respective meanings.

PART I
—cont.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

EXTERNAL DRAINAGE CONTRIBUTIONS

4.—(1) In this Part of this Act unless the subject or context otherwise requires—

Interpretation
of expressions
in Part II of
this Act.

“the appropriate rate” has the meaning assigned to that expression by section 6 (Drainage contributions to be paid on basis of rate product) of this Act ;

“contributing authority” means the authority liable under a drainage enactment to pay the drainage contributions in respect of an external drainage area ;

“contribution period” means a financial year or financial half-year in respect of which the Council issue precepts to rating authorities within the county requiring payments which include contributions for main drainage purposes ;

“contributory area” in relation to an external drainage area means the area (not being the county or an area including the county) by reference to the annual value of which the drainage contributions in respect of the external drainage area would have been assessed or calculated if this Part of this Act had not come into force or (where the contributory area as so defined is varied by an order or agreement made under section 8 (Adjustments to meet changes affecting external drainage areas) of this Act) that area as so varied ;

“drainage contribution” means a payment required by a drainage enactment to be made to the Council in respect of the discharge of drainage from an external drainage area into the main drainage system as a contribution towards the current expenses of that system ;

“drainage enactment” means an enactment specified in subsection (2) of this section ;

“external drainage area” means an area without the county from which drainage is discharged into the main drainage system under a drainage enactment and

PART II
—cont.

in respect of which separate drainage contributions are payable ;

“ financial year ” means the period of twelve months ending on the thirty-first day of March ;

“ main drainage system ” means the main drainage system of the Council ;

“ main drainage rate poundage ” means that part (expressed in terms of poundage) of the rate required to be levied in respect of a contribution period by rating authorities within the county under precept from the Council which is so required to be levied to meet expenditure of the Council for main drainage purposes without taking into account any amounts receivable or any deductions allowable by the Council which are not specifically applicable or referable to those purposes ; and

“ the standard rate ” in relation to a contribution period means a rate of an amount in the pound equivalent to the main drainage rate poundage in respect of that period.

(2) The enactments hereinbefore referred to are the following (that is to say) :—

34 & 35 Vict.
c. cxxix.

Hornsey Local Board Act 1871 ;

36 & 37 Vict.
c. ccxviii.

Beckenham Sewerage Act 1873 ;

54 & 55 Vict.
c. ccv.

Tottenham and Wood Green Sewerage Act 1891 ;

56 & 57 Vict.
c. cciv.

Part III (Sewage disposal) of the West Ham Corporation Act 1893 ;

59 & 60 Vict.
c. ccxlvii.

Willesden Sewerage Act 1896 ;

60 & 61 Vict.
c. cclii.

Part V (East Ham drainage) of the London County Council (General Powers) Act 1897 ;

The Penge Scheme 1900 and the London and Penge (Adjustment) Scheme 1906 ;

3 Edw. 7.
c. clxxxvii.

Part IX (Drainage of Upper Norwood) of the London County Council (General Powers) Act 1903 ;

5 Edw. 7.
c. cciii.

Acton Sewage Act 1905 ;

8 Edw. 7.
c. cvii.

Part VIII (Willesden sewerage) of the London County Council (General Powers) Act 1908 ;

15 & 16 Geo. 5.
c. cxix.

Part VI (Walthamstow and Leyton drainage) of the London County Council (General Powers) Act 1925 ;

18 & 19 Geo. 5.
c. xcii.

London County Council (Ilford and Barking Drainage) Act 1928.

5. As from the first day of April nineteen hundred and fifty-one drainage contributions shall be ascertained and paid in accordance with the provisions of this Part of this Act and so much of any drainage enactment as provides that drainage contributions payable thereunder shall be ascertained or paid in any other manner shall cease to have effect:

PART II
—cont.

Provided that nothing in this Part of this Act shall affect the operation of any drainage enactment in relation to any drainage contribution or part thereof payable in respect of any period ending before the said first day of April.

Cesser of provisions as to calculation of drainage contributions.

6.—(1) In respect of each external drainage area a drainage contribution shall be paid in respect of each contribution period and subject to the provisions of this Part of this Act the contribution so payable shall be the amount which would be produced by the appropriate rate levied within the contributory area.

Drainage contributions to be paid on basis of rate product.

In this Part of this Act “the appropriate rate” in relation to an external drainage area and in relation to a contribution period means the rate determined in relation to that area and that period in accordance with the following provisions of this section.

(2) Where the contribution period is a half-year the appropriate rate shall subject to the provisions of subsections (4) and (5) of this section be—

- (a) in relation to the external drainage area which forms part of the county borough of West Ham the standard rate decreased by three-eighths of a penny;
- (b) in relation to an external drainage area to which the Acton Sewage Act 1905 applies the standard rate increased by three-eighths of a penny;
- (c) in relation to the Brent area as for the time being constituted in pursuance of the provisions of section 39 (For determining boundaries of Brent area) of the London County Council (General Powers) Act 1908 the standard rate increased by two-thirds of a penny;
- (d) in any other case the standard rate.

(3) Where the contribution period is a year the appropriate rate in relation to the areas mentioned in paragraphs (a) to (c) of the last foregoing subsection shall subject to the provisions of subsections (4) and (5) of this section be the standard rate decreased or increased (as the case may be) by twice the amount of the decrease or increase specified in those paragraphs in relation to those areas respectively and in relation to any other external drainage area shall be the standard rate.

(4) (a) The Council and the contributing authority for any external drainage area may from time to time agree in writing that some rate other than the rate hereinbefore prescribed in

PART II
—cont.

relation to the area shall be substituted for that rate either generally or in relation to any specified contribution periods and where it is so agreed the rate so substituted in relation to any contribution period shall be the appropriate rate in relation to that period and that area.

(b) Any such agreement as aforesaid made between the Council and any contributing authority before the passing of this Act shall have effect as if it had been made in pursuance of this subsection.

11 & 12 Geo. 5.
c. 1. (5) Section 34 (Payments to Council in respect of sewage of West Ham) of the London County Council (General Powers) Act 1921 shall continue to have effect so far as to enable the making of representations to the Minister at the times therein provided by the Council or by the mayor aldermen and burgesses of the county borough of West Ham with respect to the poundage of the appropriate rate in relation to the external drainage district which forms part of the said county borough and to enable the Minister to make an order varying such rate and where the Minister makes any such order the rate as varied by the order shall be the appropriate rate in relation to the area but without prejudice to the provisions of the last foregoing subsection.

Ascertainment
and payment
of drainage
contributions.

7.—(1) The Council shall in respect of each contribution period at the same time as they issue precepts to rating authorities within the county issue to each contributing authority a precept requiring the payment of the drainage contribution payable by the contributing authority in respect of that period.

15 & 16 Geo. 5.
c. 90. (2) A precept issued under this section shall require the contributing authority to whom it is issued to make the like payments at the like times and the amount due under the precept shall be ascertained in the like manner and shall be subject to the like adjustment in respect of any overpayment or underpayment as if the precept were a precept to which the provisions of subsection (2) of section 9 of the Rating and Valuation Act 1925 applied and the precept required the contributing authority to levy the appropriate rate within the contributory area.

(3) The Council may make and submit to the Minister a scheme for applying to precepts issued under this section subject to such modifications as appear to be necessary or desirable any of the provisions of paragraphs (c) to (g) of subsection (2) of the said section 9 and any provisions of any rules made by the Minister for the purposes of that section and the Minister may after consultation with the contributing authorities concerned by order confirm the scheme either without modifications or subject to such modifications as he thinks fit:

Provided that any such scheme which applies the provisions of the said paragraph (g) shall provide that where it is provided

by any drainage enactment that in case of default in the due payment by a contributing authority of a drainage contribution payable thereunder interest on such contribution shall be payable at a rate specified in that enactment the rate of interest payable in such case under the said paragraph as applied by the scheme shall not exceed the rate so specified.

(4) Without prejudice to the generality of the provisions of the last foregoing subsection—

(a) the modifications which may be made in any provisions applied by a scheme made under that subsection may provide for the performance of any functions by a rating authority or by any officer of a rating authority within whose rating area an external drainage area or any part thereof is situated notwithstanding that the rating authority are not a contributing authority or are not the contributing authority for that external drainage area but the Minister shall not confirm a scheme which so provides except after consultation with any such rating authority who or any of whose officers would be affected thereby ;

(b) any such scheme may include any provisions corresponding with the provisions of any such rules as aforesaid which may be convenient for the purposes of this Part of this Act.

(5) A scheme under subsection (3) of this section may be amended or revoked by a scheme made in like manner as the original scheme.

8.—(1) Where an alteration has at any time been made in the boundaries of any county districts whereby an area (in this section referred to as a “ transferred area ”) has ceased to form part of one county district and has become part of another county district and either—

Adjustments
to meet
changes
affecting
external
drainage
areas.

(a) no corresponding alteration in the boundaries of any contributory area has resulted or been made ; or

(b) in consequence of the alteration the transferred area or any part thereof—

(i) has become part of the contributory area of a contributing authority while still remaining part of the contributory area of another contributing authority ; or

(ii) has become part of the contributory area of a contributing authority notwithstanding that drainage is not discharged therefrom into the main drainage system ; or

(iii) does not form part of the contributory area of any contributing authority although drainage continues to be discharged therefrom into the main

PART II
—cont.

drainage system in pursuance of a drainage enactment ;

the Council or any contributing authority concerned if they consider that an adjustment is required for the convenient operation of the provisions of this Part of this Act or for the purpose of securing that drainage contributions payable thereunder shall be equitably assessed and borne may make representations to the Minister.

(2) If the Minister after considering the representations and after consultation with any other body (including the Council any contributing authority and any local authority not being a contributing authority) who may be concerned is satisfied that an adjustment is required he may by order make such adjustment as appears to him to be equitable and convenient in the circumstances of the case and any such order may—

- (a) provide for the addition to or the exclusion from any external drainage area or any contributory area of any transferred area or part thereof ;
- (b) constitute any transferred area or part thereof a separate external drainage area and provide for the payment of drainage contributions in respect thereof by any sewerage authority (as defined in section 90 of the Public Health Act 1936) of whose area the external drainage area so constituted forms part ;
- (c) contain such incidental or consequential provisions (including provisions modifying any drainage enactment) as may be necessary :

Provided that any such order shall not without the consent of the Council be made in such terms that the total of the drainage contributions receivable by the Council in respect of areas affected by the order would be substantially less than they would have received if the order had not been made.

(3) If in view of any change which has taken place or is about to take place or is proposed to be made in connection with the disposal of the sewage or drainage of any external drainage area or any part thereof or of any area adjoining an external drainage area it appears to the Council and the contributing authority desirable that the external drainage area or the contributory area should be varied the Council and the contributing authority may notwithstanding anything to the contrary in any drainage enactment by agreement in writing vary the external drainage area or the contributory area or both those areas in such manner as may be defined by the agreement :

Provided that any such agreement shall not without the approval of the Minister provide for the inclusion within the external drainage area of any area which could not have been so included without his approval if this subsection had not been enacted.

9.—(1) Where in pursuance of section 28 of the Public Health Act 1936 drainage is discharged from any area without the county into the main drainage system under an agreement between the Council and another sewerage authority (in this section referred to as “the area authority”) and upon the terms that the area authority shall pay to the Council contributions towards the current expenses of the said system in accordance with the provisions of this Part of this Act then so long as the said terms continue to have effect the said area shall be deemed to be an external drainage area and the area authority shall be deemed to be the contributing authority in respect thereof and the provisions of this Part of this Act shall apply accordingly :

PART II
—cont.

Application
of provisions
to certain
other areas.

Provided that in relation to such external drainage area the contributory area and the appropriate rate in relation to any contribution period shall be such as may be agreed between the Council and the area authority.

(2) Nothing in the foregoing subsection shall be deemed to prejudice any right of the parties to an agreement under the said section 28 to vary the terms of or to determine the agreement.

10.—(1) In respect of each financial year in respect of which drainage contributions are payable in accordance with the provisions of this Part of this Act the Council shall as soon as may be after their accounts for the financial year have been made up prepare a statement showing in accordance with the provisions of the next two following subsections the income applicable in respect of that year to the purposes of the main drainage system and the expenditure incurred by the Council in respect of that year in connection with that system and shall send a copy of the statement to each contributing authority.

Annual
financial
statement.

(2) (a) Where the total of the income shown in the statement prepared under this section in respect of any financial year is greater than the total of the expenditure shown in that statement an amount equivalent to the amount of the difference shall be shown in the statement prepared under this section in respect of the next following financial year as income applicable in respect of the last-mentioned year.

(b) Where the total of the expenditure shown in the statement prepared under this section in respect of any financial year is greater than the total of the income shown in that statement an amount equivalent to the amount of the difference shall be shown in the statement prepared under this section in respect of the next following financial year as expenditure incurred in respect of the last-mentioned year.

PART II
—cont.

(3) Subject to the provisions of the last foregoing subsection the income and expenditure to be shown in the statement prepared under this section in respect of any financial year shall be as follows (that is to say) :—

(a) There shall be shown as income applicable in respect of that year—

(i) the total of the drainage contributions (as finally ascertained) receivable by the Council in respect of that year ;

(ii) so much of the total of the proceeds (as finally ascertained) of the rates levied in respect of that year by rating authorities within the county under precepts issued by the Council as represents the proceeds of the main drainage rate poundage included in those rates ; and

(iii) the total of all other amounts received by the Council in respect of that year which are specifically applicable to main drainage purposes (exclusive of amounts which are taken into account in computing the cost of maintenance referred to in head (ii) of paragraph (b) of this subsection) ;

(b) There shall be shown as expenditure incurred in respect of that year—

(i) the amount paid or applied by the Council in respect of that year for interest on and the repayment of all moneys borrowed for the purposes of or connected with the main drainage system ;

(ii) the cost of maintenance (as hereinafter defined) of the said system in that year ; and

(iii) such a sum (not exceeding five per centum of the cost of maintenance) in respect of administrative expenses not comprised in the cost of maintenance as the Council may determine.

For the purposes of this subsection the cost of maintenance of the main drainage system in any financial year shall be deemed to be the net amount of the expenses incurred by the Council in respect of the management maintenance and working of the said system in that year after credit has been given for any amounts received by the Council in respect of that year which ought properly to be set off against such expenses.

(4) The Council shall furnish to any contributing authority such information with respect to any statement prepared under this section and with respect to any item entered therein as the contributing authority may reasonably require. Any question whether any information required by a contributing authority under this subsection is or is not reasonably required shall be determined by the Minister.

(5) A contributing authority may at any time make representations to the Minister with respect to any statement prepared by the Council under this section or with respect to the form in which such statements are prepared and if after receiving such representations and after making such investigation as appears to him to be necessary the Minister considers that the statements are not prepared in a form appropriate for the purposes of this section or that any item which ought to be entered in any such statement has not been so entered or that any item entered in any such statement has not been correctly entered or appropriately ascertained he may give such directions with respect to the form in which the statements shall be prepared and with respect to the adjustment of any statement as he thinks necessary and the Council shall comply with any such directions.

(6) In determining the amount required to be raised in any contribution period by means of precepts for the purpose of meeting expenditure for main drainage purposes the Council shall have regard to the statements prepared by them under this section and they shall from time to time so fix the main drainage rate poundage that as far as is practicable the totals of the income and expenditure respectively shown in any statement prepared by them under this section shall be as nearly as may be equal.

11. Nothing in this Part of this Act shall—

(a) affect any provision of a drainage enactment with respect to the nature or quantity of the drainage (including sewage) which is thereby authorised to be discharged from any area without the county into the main drainage system ; or

(b) apply with respect to any payments required by any drainage enactment to be made to the Council by a contributing authority (in addition to the drainage contributions payable by that authority) in respect of moneys borrowed or otherwise provided to meet capital expenditure in connection with the main drainage system and repaid or set aside for repayment before any specified date or be deemed to require any such payment to be treated for any of the purposes of this Part of this Act as a payment specifically applicable to main drainage purposes.

Saving for certain provisions of drainage enactments.

PART III

OPEN SPACES

12. Section 14 of the London Council (General Powers) Act 1890 (which empowers the Council to make alter and repeal byelaws in relation to the parks gardens and open spaces vested in them or under their control) shall be read and construed and shall be deemed always to have had effect as if public walks

Byelaws as to public walks and pleasure grounds.

PART III
—cont.

and pleasure grounds vested in or under the control of the Council were therein expressly mentioned and included amongst the parks gardens and open spaces to which the section applies.

Mid-day
music in
Lincoln's
Inn Fields.

13.—(1) Notwithstanding anything to the contrary in section 45 (Purchase of garden of Lincoln's Inn Fields) of the London County Council (Improvements) Act 1894 the Council may (subject to the provisions of this section) during the months of May to September (inclusive) in any year cause or permit any band to play and any other music to be performed in the garden of Lincoln's Inn Fields—

(a) on Mondays Tuesdays Wednesdays Thursdays and Fridays between the hours of noon and half-past two in the afternoon ; and

(b) on Saturdays between the hours of noon and three in the afternoon.

(2) Any band or other musical performances given in pursuance of this section shall be given in a central position in the said garden and no sound amplifiers or mechanical means of transmitting the music to any other part of the garden shall be used.

(3) The following restrictions shall apply with respect to any band or other performances given in pursuance of subsection (1) of this section on the days mentioned in paragraph (a) of that subsection (that is to say):—

(a) no performance shall last more than two hours ; and

(b) in any period of five days beginning with a Monday no two performances shall be given on consecutive days except that in not more than two of such periods (whether or not in consecutive weeks) falling within the months of May to September (inclusive) in any year performances may be given on all or any of the said five days.

(4) Nothing in this section shall derogate from the power of the Council under any enactment to provide or permit the provision of music in the said garden at times other than those mentioned in this section.

PART IV

EXTENSIONS OF TIME

Extension of
time for
compulsory
purchase
of lands.
2 & 3 Geo. 6.
c. c.

14.—(1) The time limited by section 19 (Limitation of time for purchase of lands by Council) of the London County Council (General Powers) Act 1939 as extended by subsequent enactments for the compulsory purchase of lands in the city of Westminster and the borough of Lambeth for the purposes of paragraph (a) of subsection (1) of section 5 (Power to Council to take lands) of that Act is hereby further extended until the first day of October nineteen hundred and fifty-three.

(2) (a) If any person being the owner or lessee of any land in the city of Westminster or the borough of Lambeth which may be acquired compulsorily under the London County Council (General Powers) Act 1939 as extended by the said enactments and this section shall desire that any such land or his interest therein shall be acquired as soon as may be and shall give notice in writing to the Council of such desire the Council shall within a period of three months after the receipt of such notice enter into an effective contract with such person for the acquisition by agreement of such land or of the interest of such person therein or serve a notice to treat for the compulsory acquisition of such land or interest or notify their intention not to proceed with the purchase thereof.

(b) In any case in which the Council pursuant to paragraph (a) of this subsection notify their intention not to proceed with the purchase of any land or any interest in any land the powers conferred by the London County Council (General Powers) Act 1939 for the compulsory purchase of such land or interest shall cease.

15. The time limited by—

(a) the London County Council (General Powers) Act 1935 for the completion of the new street in the borough of Lambeth described in section 25 (Power to Council to construct new street) of that Act ;

Extension
of time for
completion
of works.
25 & 26 Geo. 5.
c. xxxiii.

(b) the London County Council (General Powers) Act 1937 for the completion of the works in the boroughs of Paddington and Saint Marylebone and the royal borough of Kensington described in section 23 (Power to Council to execute works) of that Act ; and

1 Edw. 8. &
1 Geo. 6.
c. xci.

(c) the London County Council (Improvements) Act 1939 for the completion of the works in the city of Westminster described in that Act ;

2 & 3 Geo. 6.
c. ci.

and extended by subsequent enactments is hereby further extended until the first day of October nineteen hundred and fifty-five.

PART V

KENSINGTON BOROUGH COUNCIL (SUPERANNUATION)

16. The provisions of the Kensington Borough Council (Superannuation) Acts 1907 to 1937 (hereinafter referred to as “the Kensington Superannuation Acts”) shall have effect subject to the following provisions of this Part of this Act.

Amendment of
Kensington
Superannua-
tion Acts.

17.—(1) Where on or after the twenty-sixth day of September nineteen hundred and fifty an officer or servant in the service of the Kensington Council is on leave of absence from duty and—

Contributions
in certain
cases of
absence
from duty.

(a) he is so absent by reason of illness or injury in respect of which he is entitled to benefit under the National

PART V
—cont.

Insurance Acts 1946 to 1949 and his salary or wages and emoluments is or are reduced solely by reason of his being so entitled and by an amount equivalent to the amount of such benefit ; or

- (b) he is so absent otherwise than by reason of illness or injury and his salary or wages and emoluments is or are reduced or suspended ;

notwithstanding such reduction or suspension of salary or wages and emoluments he shall in respect of the period of such absence make the like contributions to the superannuation fund as if his salary or wages and emoluments for the period had not been so reduced or suspended.

(2) Where contributions in accordance with subsection (1) of this section are payable by an officer or servant whose salary or wages and emoluments is or are reduced the percentage deduction which the Kensington Council are required or authorised by or under any provision of the Kensington Superannuation Acts to make from any payment of salary or wages and emoluments made to him in respect of the period of his absence from duty or any part thereof shall be calculated as a percentage of the amount he would have received if no reduction of salary or wages and emoluments had been made :

Provided that in the case of an officer or servant who is on leave of absence from duty otherwise than by reason of illness or injury so much of the amounts deductible by virtue of this subsection from any payments of salary or wages and emoluments made to him while he is on leave of absence as exceeds the amounts which would have been deductible from those payments if this section had not been enacted may (if the Kensington Council think fit) be deducted by such instalments as they may decide from payments of salary or wages and emoluments made to the officer or servant after his return to duty in addition to any other deductions which they are entitled to make therefrom.

(3) Any contributions payable to the superannuation fund in pursuance of subsection (1) of this section by an officer or servant whose salary or wages and emoluments is or are suspended shall be paid by him to the Kensington Council at such times as they may direct and in so far as not so paid such contributions may (without prejudice to any other method of recovery) be deducted either in a single sum or in such instalments as the Kensington Council may decide from any payment or payments of salary or wages and emoluments made to him after his return to duty in addition to any other deductions which they are entitled to make therefrom.

(4) All amounts deducted by or paid to the Kensington Council in pursuance of the provisions of this section shall be carried to the credit of and form part of the superannuation fund.

18. In determining for the purposes of section 4 (Scale of superannuation allowances) of the Kensington Borough Council (Superannuation) Act 1907 the average amount of the salary or wages and emoluments of an officer or servant during the period of five years therein mentioned any reduction or suspension of salary or wages and emoluments in respect of any period of leave of absence from duty of the officer or servant on or after the twenty-sixth day of September nineteen hundred and fifty shall be disregarded.

PART V
—cont.

Calculation of average salary etc. 7 Edw. 7. c. xciv.

19. Subsection (4) of section 89 (Amendment of definitions of "officer" "servant" etc.) of the London County Council (General Powers) Act 1937 shall be read and construed as if at the end thereof there were inserted the following proviso (that is to say):—

Amendment of definition of "service".

" Provided that any period of absence of any such officer or servant on or after the twenty-sixth day of September nineteen hundred and fifty in respect of which no contributions are or were payable by him by reason of the suspension of his salary or wages and emoluments shall be deemed to be service."

20.—(1) An officer or servant in the service of the Kensington Council who after the passing of this Act suffers a reduction in his salary or wages and emoluments solely by reason of—

Reduction of salary etc. not due to absence from duty.

- (a) an alteration of the salary or wages and emoluments of his employment; or
(b) his transfer to other employment under the Kensington Council;

shall continue to make the like contributions to the superannuation fund as if his salary or wages and emoluments had not been reduced and the provisions of subsections (2) and (4) of section 17 (Contributions in certain cases of absence from duty) (except the proviso to the said subsection (2)) and section 18 (Calculation of average salary etc.) of this Act shall apply as if the reduction were a reduction due to the absence of the officer on leave from duty:

Provided that if within one month after the date on which the reduction in his salary or wages and emoluments takes effect or within such longer period as the Kensington Council may in any particular case allow the officer or servant gives notice in writing to the Kensington Council that he does not wish the provisions of this section to apply to him those provisions shall not so apply.

(2) The provisions of article 9 of the Kensington Borough Council (Superannuation) Scheme 1938 shall not apply to any such person as is referred to in that article if the provisions of subsection (1) of this section apply to him.

PART V
—cont.

Construction
and citation
of Part V of
this Act.

21.—(1) This Part of this Act shall be read and construed as one with the Kensington Superannuation Acts.

(2) The Kensington Superannuation Acts and this Part of this Act may be cited together as the Kensington Borough Council (Superannuation) Acts 1907 to 1950.

PART VI

POWERS FOR WESTMINSTER CITY COUNCIL

Interpretation
of expressions
in Part VI
of this Act.

22. In this Part of this Act—

“ apparatus ” means pipes plant apparatus and fittings of whatever description ;

“ the heating undertaking ” means the undertaking authorised by Part V (Supply of heat by Westminster City Council) of the London County Council (General Powers) Act 1947 ;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by Part V of the Town and Country Planning Act 1947 and by the Lands Tribunal Act 1949 ;

“ the tribunal ” means the lands tribunal or the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as modified by the Lands Tribunal Act 1949.

9 & 10 Geo. 5.
c. 57.
10 & 11 Geo. 6.
c. 51.
12 & 13 Geo. 6.
c. 42.

Incorporation
of Lands
Clauses Acts.

23.—(1) The Lands Clauses Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with this Part of this Act are hereby incorporated with and form part of this Part of this Act.

(2) The expression “ the promoters of the undertaking ” in the Lands Clauses Acts shall be construed to mean the Westminster Council.

Power to
Westminster
Council
to take
easements for
apparatus.

24.—(1) For the purposes of the heating undertaking the Westminster Council may purchase take and use such easements and rights as they may require of laying down erecting maintaining renewing and using or removing apparatus in under or over the land and premises known as No. 66 Claverton Street in the city of Westminster which are delineated on the deposited plan and described in the deposited book of reference.

(2) The Westminster Council may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts with respect to

lands shall extend and apply to such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

PART VI
—cont.

8 & 9 Vict.
c. 18.

(3) The powers of the Westminster Council for the compulsory purchase or taking of easements or rights under this section shall cease on the first day of October nineteen hundred and fifty-three.

(4) The land and premises referred to in subsection (1) of this section shall be deemed to be included among the areas of supply for the purposes of Part V (Supply of heat by Westminster City Council) of the London County Council (General Powers) Act 1947.

25.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Westminster Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to a metropolitan police magistrate for the correction thereof.

Correction
of errors in
deposited
plan and
book of
reference.

(2) If on any such application it appears to the magistrate that the omission misstatement or wrong description arose from mistake he shall certify the fact accordingly and shall in his certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the Council and a copy thereof shall be deposited with the town clerk of the city of Westminster and thereupon the deposited plan and deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Westminster Council to purchase or take the easements or rights in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

26. At any time after serving a notice to treat in respect of any easements or rights which may be acquired compulsorily under this Part of this Act but not less than one month after giving the owner and occupier of the land in under or over which such easements or rights are to be acquired notice in writing of their intention to exercise the powers of this section the Westminster Council may enter on the said land or such part thereof as is specified in the last-mentioned notice and may take or exercise such easements or rights without previous consent and without

Power to
expedite entry.

PART VI
—cont.

compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Westminster Council shall pay the like compensation for easements or rights which are taken or exercised under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter
for survey or
valuation.

27. Any person acting on behalf of the Westminster Council and duly authorised in writing by the town clerk of the city of Westminster may at all reasonable times enter on any land in under or over which easements and rights may be acquired compulsorily under this Part of this Act for the purpose of surveying or valuing the land :

Provided that no land shall be entered under this section unless the Westminster Council not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice in writing to the owner and occupier of the land in manner provided by section 183 of the Act of 1939.

Disregard
of recent
improvements
and interests.

28. In determining any question of disputed compensation or purchase money in respect of easements or rights acquired under this Part of this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and forty-nine ; or

(b) any interest created after the said date in the land ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

PART VII

MISCELLANEOUS

Cesser of
payments in
respect of
chimney
fires etc.

29.—(1) Section 60 (Payments in cases of fires in chimneys or ducts) of the London County Council (General Powers) Act 1934 is hereby repealed.

(2) The Council shall be deemed always to have had power either generally or in such cases as they thought fit to remit the payments which they were entitled to demand or recover under the said section 60.

Byelaws as to
establishments
for massage
or special
treatment.

30.—(1) The powers of making byelaws conferred upon the Council and the mayor aldermen and commons of the city of London in common council assembled by section 26 (Byelaws as to establishments for massage or special treatment) of the London County Council (General Powers) Act 1915 and section 14

(Byelaws as to establishments for massage or special treatment) of the London County Council (General Powers) Act 1920 shall include a power to make byelaws—

- (a) for requiring persons carrying on establishments for massage or special treatment to make scales of the fees or charges to be paid for treatment given at such establishments ;
- (b) as to the exhibition of copies of such scales at the establishments and as to the furnishing of copies thereof to the authority by whom the byelaws are made ;
- (c) for prohibiting any alteration in such scales without previous notice to the said authority or without the correction of the copies exhibited in accordance with the byelaws ; and
- (d) for prohibiting the taking of fees or charges greater than those specified in scales of which copies have been furnished as aforesaid and are exhibited in accordance with the byelaws.

(2) Any byelaws made under the said section 26 or the said section 14 shall have effect as if made under those sections respectively as amended by this section but no proceedings shall be taken against any person for a penalty in respect of any offence against any such byelaws committed at any time before the expiration of one month after the passing of this Act unless he would have been liable to a penalty for that offence if this section had not been enacted.

31.—(1) In this section the expressions “ the fire insurance fund ” and “ the insurable property ” have the same meanings respectively as in section 194 of the Act of 1939.

(2) Notwithstanding anything in the said section 194 where the Council insure the insurable property or any part thereof against any such loss or damage as is mentioned in the said section in any public insurance office in England the Council may if they think fit pay out of the fire insurance fund any premiums payable in respect of such insurances :

Provided that no such premium shall be so paid if in consequence of such payment the amount standing to the credit of the fire insurance fund would become less than the amount which in the opinion of the Council is reasonably necessary to cover the risks for the time being insured in the said fund.

(3) This section shall be deemed to have come into operation on the first day of April nineteen hundred and forty-eight.

32.—(1) Subject to the provisions of this section the Council may by order declare that any sewer vested in them and situated in a borough shall as from such date as may be specified in the order be transferred to the borough council of the borough and as from the date so specified the sewer shall cease to be

Payment of
premiums
out of fire
insurance
fund.

Transfer to
borough
councils of
sewers vested
in Council.

PART VII
—cont.

vested in the Council and shall become vested in the borough council.

(2) The transfer of a sewer to a borough council under this section may be made upon and subject to such terms and conditions as may be agreed between the Council and the borough council and shall not be made without the consent of the borough council unless the Minister on an application made to him by the Council and after consultation with the borough council dispenses with the necessity for such consent.

(3) Any such dispensation as aforesaid may be given either unconditionally or subject to such conditions as the Minister may determine and without prejudice to the generality of this provision where it appears to the Minister that a sewer proposed to be transferred to a borough council is in need of repair or is likely by reason of its age or condition to require repair or renewal within a period of ten years after its transfer to the borough council such conditions may include a condition that the Council shall in consideration of the transfer pay to the borough council such sum as may be fixed by the Minister in respect of the expense to be incurred by the borough council in effecting such repair or renewal.

(4) Where a sewer transferred to a borough council under this section is situated in a part of a borough to which an order under section 35 of the Act of 1936 applies or in a street to which an order under section 36 of the Act of 1936 applies the Council may make such amendments in the order as appear to them to be necessary by reason of the transfer of the sewer.

(5) In this section the expression "sewer" includes a part of a sewer a street gully and any manhole ventilating shaft or other accessory belonging to a sewer.

(6) This section shall be read and construed as one with Part II of the Act of 1936.

Electoral
divisions in
Battersea.
11 & 12 Geo. 6.
c. 65.

33. For the removal of doubts it is hereby declared that subsection (1) of section 59 of the Representation of the People Act 1948 shall be read and construed and shall have effect as if in the First Schedule to the said Act for each of the parliamentary constituencies therein described and named respectively Battersea North and Battersea South there were substituted the constituency of the same name described in Part II of the schedule to the House of Commons (Redistribution of Seats) (No. 2) Order 1949:

Provided that nothing in this section or in the said order shall affect—

- (a) the term of office of any county councillor elected for an electoral division of the county before the passing of this Act; or

(b) any election of a county councillor held before the ordinary election of county councillors for the county to be held next after the passing of this Act.

PART VII
—cont.

34.—(1) Section 6 of the Public Libraries Act 1919 (which provides that a library authority who are a local education authority may be authorised by the Minister of Education to purchase land compulsorily for the purpose of any of their powers or duties under the Public Libraries Acts 1892 to 1919) shall in its application to the county have effect as if the reference therein to a library authority who are a local education authority included a reference to any borough council:

Compulsory acquisition of land by library authorities. 9 & 10 Geo. 5. c. 93.

Provided that a borough council shall not by virtue of this section be authorised to purchase compulsorily any land which is for the time being designated in a development plan under the Town and Country Planning Act 1947 as subject to compulsory acquisition by any other local authority within the meaning of that Act except with the consent of that other local authority.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if the foregoing subsection had been in force immediately before the commencement of that Act.

35.—(1) For the purpose of securing the provision of storage and stabling accommodation for costermongers street traders and other like persons who in consequence of the exercise by the Kensington Council of any powers under the Housing Acts 1936 to 1949 or the acquisition of lands by that council under any enactment are or have been displaced from premises in which similar accommodation was available to them the Kensington Council may within their borough provide buildings suitable for use by such persons for the storage of vehicles or goods or as stabling in connection with the business carried on by them.

Power to Kensington Council to provide storage etc. accommodation for costermongers etc.

(2) The Kensington Council may maintain any buildings provided by them under this section and may let any such buildings upon such terms as they consider reasonable to any persons having need of storage or stabling accommodation but they shall in any such lettings give preference to any costermongers street traders or other like persons who are or have been displaced as aforesaid:

Provided that notwithstanding anything in the Act of 1939 the provisions of section 107 of that Act shall apply in relation to any such letting.

36. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges not disqualified.

PART VII
—cont.Inquiries by
Minister.

37. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him by this Act and section 189 of the Act of 1939 shall apply in relation to any such inquiry as if that section were re-enacted herein with any necessary modifications.

Saving for
town and
country
planning.

38. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

39.—(1) All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Act of 1939 as the Council may decide.

(2) So much of the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in—

- (i) Part V (Kensington Borough Council (Superannuation)) ;
- (ii) Part VI (Powers for Westminster City Council) ; and
- (iii) Section 35 (Power to Kensington Council to provide storage etc. accommodation for costermongers etc.) ;

shall unless otherwise agreed be paid as regards (i) and (iii) by the Kensington Council and as regards (ii) by the Westminster Council.

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.

Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament
LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

Price 1s. 6d. net

(75128)

PRINTED IN GREAT BRITAIN

Norwich Extension Act, 1950

14 GEO. 6 Ch. xliii

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